HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 21157 of 2006

Between:

Syed Raziuddin Murtuza

..Petitioner

And

The Commissioner,
Rajendranagar Municipality,
Rajendrangar,
Rangareddy district.

..Respondent.

:ORDER:

Counsel for the petitioner : Shri R. Thimma Reddy.

October 13, 2006:

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Per G.S. Singhvi, CJ

Shri Syed Raziuddin Murtuza has filed this petition under Article 226 of the Constitution of India for issue of a direction to the respondent i.e., Commissioner, Rajendranagar Municipality, Ranga Reddy District, to initiate action on his representation dated 24-08-2006 and demolish the unauthorized construction raised in property bearing Door No. 4-25-41/2-A situated in Attapur, Rajendranagar Mandal, Ranga Reddy District.

We have heard Shri R. Thimma Reddy, learned counsel for the petitioner. In our opinion, the writ petition cannot be entertained because-

(1) the petitioner has not impleaded Rajendranagar Municipality as party. The Commissioner of the Municipality, who has been impleaded as party to the writ petition, is only an officer of the municipal body and not the municipal body itself which is a juridical person who can sue and be sued in its own name,

(2) the petitioner has not impleaded the person, who is said to have raised illegal construction over the property in question, as party to the writ petition, despite the fact that he is aware of the particulars of that person, as is evident from the contents of paragraph No.4 of the representation dated 24-08-2006 made by him to the respondent. In our considered view, without issuing notice and giving opportunity of hearing to the person, who is said to have made illegal construction, no order can be passed for demolition of the property in dispute, and

(3) the petitioner has not disclosed as to when the so-called illegal construction was raised on his land. He has also not produced any evidence to prima facie substantiate his assertion that the disputed construction has been raised on

his land.

For the reasons stated above, the writ petition is dismissed.

As a sequel to dismissal of the main petition, W.P.M.P.No.26834 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J.

13-10-2006

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